

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFILED  
SCRANTON

JAN 10 2018

Per *[Signature]*  
DEPUTY CLERK(1) Ernest O. Glasper Jr. #09452-027  
(Name of Plaintiff) (Inmate Number)Lewisburg Smel P.O. Box 1000 Lewisburg PA  
(Address) 17937(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)\_\_\_\_\_  
(Address)(Each named party must be numbered,  
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) Federal Prison Guard Murray(2) Andrew Edinger, MD(3) Federal Prison Guard Moyer  
(Names of Defendants)(Each named party must be numbered,  
and all names must be printed or typed)TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

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**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? BP 8, BP 9, BP 10, and BP 11. Also FTCA  
authorized by 28 U.S.C. Section 1346.
  2. What was the result? The administrative remedies were never  
responded back to and the FTCA was denied and given 6 month to file in  
court.
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

**III. DEFENDANTS**

- (1) Name of first defendant: Officer Murray  
Employed as Federal Prison Guard at Lewisburg Penitentiary  
Mailing address: Lewisburg Penitentiary P.O. Box 1000 Lewisburg PA 17837
- (2) Name of second defendant: Andrew Edinger, MD  
Employed as Medical Doctor at Lewisburg Penitentiary  
Mailing address: Lewisburg Penitentiary P.O. Box 1000 Lewisburg PA 17837
- (3) Name of third defendant: Officer Meyer  
Employed as Federal Prison Guard at Lewisburg Penitentiary  
Mailing address: Lewisburg Penitentiary P.O. Box 1000 Lewisburg PA, 17837

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

**IV. STATEMENT OF CLAIM**

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Officer Murray started this civil action by fabricating incident report  
on Feb 25, 2016 against Plaintiff in X block, Protective custody unit  
in Lewisburg SMC Program. Officer Murray breach his duty with

- negligence by lying about seeing Plaintiff swallow green or blue object.
2. Dr. Edinger was negligent with medical assesement on March 14, 2016 in Lewisburg SMU medical station. Dr. Edinger saw blood and a tear in Plaintiff's rectum and did not follow the medical policy with is not discretionary.
  3. Officer Moyer was negligent when he failed to use reasonable care. In G block of Lewisburg SMU on Feb 26, 2016 Officer Moyer searched my rectum by inserting his latex gloved fingers. Prison Lt.s ordered Officer Moyer to do so. My rectum was damaged.

#### V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. First I Ernest Glasper don't want to be retaliated against in no form or fashion by Lewisburg Prison Guards or administration, for filing FTCA in court.
2. Second I want all incident reports fabricated against me expunged, and transferred from Lewisburg SMU program.
3. Third I would like to be compensated in the amount of \$ 30.000 U.S. dollars, for my injury and pain and suffering, also to include court cost if possible.

Plaintiff will let the court decide relief in Bivens.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this May day of Friday 18, 2017.

  
(Signature of Plaintiff)

## Attachment

### Defendant(s)

- 1.) Prison Guard Murray
- 2.) Andrew Edinger MD.
- 3.) Prison Guard Moyer
- 4.) United States.

Has not be able get prison guard Murray full name or prison guard Moyer full name.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

MIDDLE District of PENNSYLVANIA

\_\_\_\_ Division

Ernest D. Glasper Jr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"See Attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Ernest D. Glasper Jr.

Street Address

P.O. Box 1000

City and County

Lewisburg SMU U.S.P.

State and Zip Code

PENNSYLVANIA 17837

Telephone Number

N/A

E-mail Address

N/A

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## Defendant No. 1

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Murray  
 Federal Correctional Guard  
 P.O. Box 1000  
 U.S.P. Lewisburg Smu  
 PENNSYLVANIA 17837  
 N/A  
 N/A

## Defendant No. 2

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Andrew Edinger  
 medical Doctor  
 P.O. Box 1000  
 United States Penitentiary Lewisburg Smu  
 PENNSYLVANIA 17837  
 N/A  
 N/A

## Defendant No. 3

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Moyer  
 Federal Correctional Guard  
 P.O. Box 1000  
 U.S.P. Lewisburg Smu  
 PENNSYLVANIA 17837  
 N/A  
 N/A

## Defendant No. 4

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

*FTCA in Federal Court under 28 U.S.C. § 2401(b) and 28 U.S.C. § 2675. Negligence, Bivens combined to FTCA claim in one lawsuit.*

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.



## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

*This is a FTCA claim for negligence. FTCA lawsuit in federal court under 28 U.S.C. § 2401(b) and 28 U.S.C. § 2675(a) can be used to sue the United States for actual (money) damages to compensate Plaintiff.*

*1. Officer Murray fabricate an incident report with authorization from X-block Lt, on Feb 25, 2016. This action by officer Murray cause Plaintiff harm by incident send me to strip dry cell in G-block. This Fabricated incident report caused me*

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*Plaintiff is asking to be transferred out of Lewisburg smu program before retaliation occurs. The expunging of fabricated incident reports. And compensation in actual (money) for damages in the amount of \$30,000 U.S. dollars.*

Plaintiff will let court decide relief in Bivens, if any.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 18, 2017

Signature of Plaintiff

Printed Name of Plaintiff

Ernest O. Glasper Jr.  
Ernest O. Glasper Jr.

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Inmate Name: 101-111111-111111  
Register Number: # 09452-027  
United States Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837

RECEIVED  
SCRANTON

JAN 10 2018

PER

DEPUTY CLERK

Clerk of  
PETER J

United States  
For the Middle  
PENNSYLV  
235 North W  
P.O. Box 11  
Scranton, PA

Legal  
Mail  
IT

MC

JAN 05 2018

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